

SC331. SUBCHAPTER 331  
CIVILIAN AIR TRAFFIC CONTROLLERS  
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## SC331. SUBCHAPTER 331

### CIVILIAN AIR TRAFFIC CONTROLLERS

- References:
- (a) Assistant Secretary of Defense (Force Management Policy) (ASD(FMP)) Memorandum, "Maximum Entry Age For DoD Air Traffic Controllers," May 9, 1995 (hereby canceled)
  - (b) DoD Directive 1400.28, "Civilian Air Traffic Controllers," September 11, 1981 (hereby canceled)
  - (c) [DoD Directive 1400.25](#), "DoD Civilian Personnel Management System," November 25, 1996
  - (d) Title 5, United States Code
  - (e) Title 5, Code of Federal Regulations
  - (f) Secretary of Defense Memorandum, "Special Premium Pay for Civilian Air Traffic Controllers," April 17, 1985
  - (g) U.S. Office of Personnel Management CSRS and FERS Handbook for Personnel and Payroll Offices

#### SC331.1. PURPOSES

This Subchapter replaces ASD(FMP) Memorandum of May 9, 1995 (reference (a)) and DoD Directive 1400.28 (reference (b)). It implements DoD policy under DoD Directive 1400.25 (reference (c)) and 5 U.S.C. 2109 and 3307 (reference (d)). It sets the maximum entry age for air traffic controllers in the Department of Defense; delegates the authority to approve waivers of the entry age; describes waiver criteria; defines procedures to be used in mandatory separation situations; and describes enhanced retirement benefits.

#### SC331.2. DEFINITIONS

SC331.2.1. Air Traffic Controller. "Air traffic controller" or "controller" means a civilian employee who, in an air traffic control facility or flight service station facility, is actively engaged in the separation and control of air traffic or in providing preflight, inflight, or airport advisory service to aircraft operations, or is the immediate supervisor of any such employee.

SC331.2.2. Original Entry. First appointment in the Federal civil service as an air traffic controller.

SC331.2.3. Covered Positions. An air traffic controller position that has been identified in accordance with section SC331.8., below.

### SC331.3. SCOPE

This Subchapter applies to civilian air traffic controller positions in the Department of Defense.

### SC331.4. POLICY

SC331.4.1. It is DoD policy under DoD Directive 1400.25 (reference (c)) that 30 years is the maximum age for entry into covered civilian air traffic controller positions. Persons who have reached their 31st birthday shall not be originally appointed to air traffic controller positions. Appointment or other action placing a person age 31 or older in a covered position is permitted only if he or she previously held a civilian air traffic controller position. However, former civilian air traffic controllers shall not be reappointed or reinstated after they have reached mandatory separation age. Candidates who are younger than 31 at the time their names are certified by the Office of Personnel Management (OPM), or other authorized delegated examining unit, may be originally appointed to air traffic controller positions.

SC331.4.2. Individuals separated from air traffic controller positions because of age are not eligible for reemployment (5 U.S.C. 3323(a) (reference (d))).

### SC331.5. EXCEPTIONS

Component Heads are authorized to waive the maximum entry age of 30 years for individuals meeting all of the following criteria. This authority may be redelegated. Individuals must:

SC331.5.1. Have received air traffic control specialist certification according to Federal Aviation Administration (FAA) standards;

SC331.5.2. Have been qualified and facility certified in a DoD or FAA air traffic control facility; and

SC331.5.3. Have engaged in the direct separation and control or management of air traffic at any air traffic control facility controlling air traffic within United States

airspace, or in such facilities operated by the Department of Defense or the FAA outside the United States within one year before the date of appointment.

#### SC331.6. RESPONSIBILITIES

The Component Heads shall:

SC331.6.1. Ensure that the guidelines in this policy are followed;

SC331.6.2. Issue implementing guidance and procedures, as appropriate;

SC331.6.3. Ensure that all individuals hired as air traffic controllers meet all applicable qualifications; and

SC331.6.4. Ensure that each exception to the maximum entry age is properly documented and recorded in the appointee's Official Personnel Folder.

#### SC331.7. MANDATORY SEPARATION

SC331.7.1. Air Traffic Controllers Covered by the Civil Service Retirement System (CSRS). Under 5 U.S.C. 8335(a) (reference (d)), an air traffic controller employed under the CSRS must be separated from Federal service on the last day of the month in which he or she becomes 56 years of age. Except as provided in paragraphs SC331.7.1.2 and SC331.7.1.3., below, separation is mandated even if the employee has not served sufficient years of air traffic controller service to qualify for enhanced retirement benefits.

SC331.7.1.1. The Component Head concerned, or designee, shall provide the air traffic controller written notification of mandatory separation at least 60 calendar days before separation occurs. Separation cannot occur until the last day of the month in which the 60-day notice expires, unless the air traffic controller concerned consents in writing to separate earlier.

SC331.7.1.2. The Secretary of Defense may exempt an air traffic controller having exceptional skills and experience from the automatic separation provision until the air traffic controller becomes 61 years of age. Under 5 CFR 831.502(c) (reference

(e)), the Secretary may request from OPM an exception from mandatory separation of an air traffic controller beyond the employee's 61st birthday. Such an exception must be approved by OPM before the employee reaches his or her mandatory separation date.

SC331.7.1.3. The President of the United States, by Executive Order, may exempt air traffic controllers from automatic separation if the President determines the public interest so requires (5 U.S.C. 8335(e) (reference d))).

SC331.7.1.4. The automatic separation provisions described in subsection SC331.7.1. above, do not apply to the following categories of CSRS air traffic controllers (see Office of Personnel Management CSRS and FERS Handbook for Personnel and Payroll Offices (reference (g))):

SC331.7.1.4.1. Controllers who were first appointed by the Department of Transportation before May 16, 1972;

SC331.7.1.4.2. Controllers who were first appointed to an air traffic controller position by the Department of Defense before September 12, 1980; and

SC331.7.1.4.3. Flight service station specialists who were first appointed before January 1, 1987.

SC331.7.2. Air Traffic Controllers Covered by the Federal Employees Retirement System (FERS). Under 5 U.S.C. 8425(a) (reference (d)), an air traffic controller employed under FERS, who has completed 20 years of covered service, must be separated from Federal service on the last day of the month in which he or she becomes age 56. If the air traffic controller reaches age 56 and has not yet completed 20 years of covered service, he or she must be separated on the last day of the month in which he or she completes the 20 years of covered service regardless of age.

SC331.7.2.1. The Component Head concerned, or designee, shall provide the air traffic controller written notification of mandatory separation at least 60 calendar days before separation occurs. Separation cannot occur until the last day of the month in which the 60-day notice expires, unless the air traffic controller concerned consents in writing to separate earlier.

SC331.7.2.2. The Secretary of Defense may exempt an air traffic controller having exceptional skills and experience from the automatic separation provision until the air traffic controller becomes 61 years of age.

SC331.7.2.3. The President of the United States, by Executive order, may exempt air traffic controllers from automatic separation if the President determines the public interest so requires (5 U.S.C. 8425(d) (reference (d))).

#### SC331.8. POSITION COVERAGE DETERMINATION

Component Heads are delegated authority to determine a position to be an air traffic controller position for special coverage under CSRS and FERS. This responsibility may be delegated to a designated representative who is a Department headquarters official reporting directly to the Component Head or the Deputy Component Head. Such designated representative must be the sole representative for the entire Component. The definition of air traffic controller is found in SC331.2.1., above. On an employee's retirement, the Component Head, or designee, must certify to OPM that the employee's service was in a covered position. Coverage determination files must be established and include all background material used in making the determination.

#### SC331.9. ENHANCED RETIREMENT BENEFITS

SC331.9.1. Special retirement provisions were adopted to provide stability to the air traffic controller profession and to act as an incentive to personnel who are subjected to highly stressful duties to stay in Federal service until a reasonable retirement age.

SC331.9.2. Air Traffic Controllers Covered by CSRS. Under 5 U.S.C. 8336(e) (reference (d)), air traffic controllers under CSRS are entitled to an annuity after completing 25 years as an air traffic controller or after becoming 50 years of age and completing 20 years of service as an air traffic controller. A special annuity computation is provided under 5 U.S.C. 8339(e) (reference (d)). Amounts of withholding and contributions are as required under 5 U.S.C. 8334(a) (reference (d)).

SC331.9.3. Air Traffic Controllers Covered by FERS. Under 5 U.S.C. 8412(e), (reference (d)), air traffic controllers under FERS are entitled to an annuity after completing 25 years as an air traffic controller or after becoming 50 years of age and completing 20 years of service as an air traffic controller. A special annuity computation is provided under 5 U.S.C. 8415(d) (reference (d)). Amounts of withholding and contributions are as required under 5 U.S.C. 8422(a)(2)(B) and 5 U.S.C. 8423(a)(1)(B) (reference (d)). An individual who does not complete the

required years of covered service as an air traffic controller is not eligible for enhanced retirement benefits. Under 5 CFR 842.805(e) (reference (e)), additional monies paid into the retirement system by both the employee and the employing Agency are not refundable.

SC331.10. SPECIAL PREMIUM PAY (RESERVED)